REMARKS

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the non-final Office Action mailed May 5, 2006. Applicants respectfully submit that the amendment and remarks contained herein place the instant application in condition for allowance. Upon entry of the amendments in this response, claims 1 – 27 remain pending. In particular, Applicants amend claims 1, 9, and 15. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Examiner Interview

Applicants first wish to express their sincere appreciation for the time that Examiner Derwich spent with Applicants' Attorney, Anthony Bonner during a telephone discussion on June 15, 2006 regarding the outstanding Office Action. During that conversation, Examiner Derwich seemed to indicate that it would be potentially beneficial for Applicants to make amendments contained herein. While no agreement was met, Examiner Derwich seemed to indicate that amending claim 1 to more specifically recite that "sending the outgoing SMTP traffic to a recipient, wherein the outgoing SMTP traffic is sent to the recipient only in response to determining that the customer is associated with a valid IP address" might be beneficial. Thus, Applicants respectfully request that Examiner Derwich carefully consider this response and the amendments.

II. Rejections Under 35 U.S.C. §103

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the cited art reference must suggest all features of the claimed invention to one of ordinary skill in the art.

See, e.g., In re Dow Chemical, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). Further, "[t]he PTO has the burden under section 103 to establish a prima facie case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

A. Claim 1 is Patentable Over *Clark* and further in view of *Gross*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,442,588 ("*Clark*") in view of U.S. Application Number 09/863,060 ("*Gross*"). Applicants respectfully traverse this rejection for at least the reason that *Clark* in view of *Gross* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

> A method for blocking unsolicited e-mail transmitted to an e-mail server at an Internet Service Provider (ISP), the method comprising:
>
> receiving a user identification (USERID) and a password associated with a customer;
>
> retrieving a plurality of data associated with the customer based on the USERID and password;
>
> authenticating the customer using the retrieved plurality of data;
>
> dynamically adding an IP address assigned to the customer to a plurality of valid IP addresses associated with the ISP;
>
> receiving outgoing SMTP traffic from the customer;
>
> in response to receiving the outgoing SMTP traffic, determining, at the e-mail server, the e-mail server being configured to receive and maintain at least one e-mail, whether the customer is associated with a valid IP address; and
>
> in response to determining that the customer is associated with a valid IP address, logging the customer onto the e-mail server using the IP address and the plurality of data used to authenticate the customer, and

sending the outgoing SMTP traffic to a recipient, wherein the outgoing SMTP traffic is sent to the recipient only in response to determining that the customer is associated with a valid IP address. (emphasis added)

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest all of the elements of claim 1, as amended. More specifically, the Office Action states "Clark fails to teach a method that receives SMTP traffic from the customer... However Gross discloses a method wherein a determination as to a valid IP address associated with the customer occurs at an SMTP server which is part of the email server" (OA p. 3, fourth paragraph). *Gross*, however, states "[t]he sender's SMTP server contacts the DNS server at state 420, requesting a corresponding IP address, associated with the recipient's SMTP server for the recipient's email address" (p. 7, para [0071]). Applicants respectfully submit that for at least the reason that *Gross* fails to disclose, teach, or suggest a "method for blocking unsolicited e-mail transmitted to an e-mail server at an Internet Service Provider (ISP), the method comprising... in response to determining that the customer is associated with a valid IP address, logging the customer onto the e-mail server using the IP address and the plurality of data used to authenticate the customer, and ***sending the outgoing SMTP traffic to a recipient, wherein the outgoing SMTP traffic is sent to the recipient only in response to determining that the customer is associated with a valid IP address***" as recited in claim 1, as amended. Applicants additionally submit that *Clark* fails to overcome the deficiencies of *Gross*. For at least these reasons, claim 1, as amended, is allowable over the cited art.

B. Claim 9 is Patentable Over *Clark* and further in view of *Gross*

The Office Action indicates that claim 9 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Clark* in view of *Gross*. Applicants respectfully traverse this rejection for at least the reason that *Clark* in view of *Gross* fails to disclose, teach, or suggest all of the elements of claim 9. More specifically, claim 9 recites:

> A method of preventing unsolicited e-mails from being transmitted via a mail server associated with the Internet Service Provider (ISP) of a customer, the method comprising:
>
> receiving a user identification (USERID) and password, wherein the USERID and password are associated with the customer;
>
> authenticating the customer as a registered user of the ISP;
>
> generating a positive response if the customer is a registered user of the ISP;
>
> receiving a START record indicating that the customer is being logged onto a Network Access Server (NAS);
>
> writing the START record to a database;
>
> receiving outgoing SMTP traffic from the customer for delivery to a recipient;
>
> in response to receiving the SMTP traffic determining, at the mail server, the mail server being configured to receive and maintain at least one e-mail message, whether an IP address assigned to the customer is valid; and
>
> ***in response to determining that the IP address assigned to the customer is valid, forwarding the outgoing SMTP traffic to the recipient. (emphasis added)***

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest all of the elements of claim 9, as amended. More specifically, the Office Action states "Clark fails to teach a method that receives SMTP traffic from the customer... However Gross discloses a method wherein a determination as to a valid IP address associated with the customer occurs at an SMTP server which is part of the email server" (OA p. 3, fourth paragraph). *Gross*, however, states "[t]he sender's SMTP server contacts the DNS server at state 420, requesting a corresponding IP address, associated with the recipient's SMTP server for the recipient's email

address" (p. 7, para [0071]). Applicants respectfully submit that for at least the reason that *Gross* fails to disclose, teach, or suggest a "method of preventing unsolicited e-mails from being transmitted via a mail server associated with the Internet Service Provider (ISP) of a customer, the method comprising... ***in response to determining that the IP address assigned to the customer is valid, forwarding the outgoing SMTP traffic to the recipient***" as recited in claim 9, as amended. Applicants additionally submit that *Clark* fails to overcome the deficiencies of *Gross*. For at least these reasons, claim 9, as amended, is allowable over the cited art.

C. Claim 15 is Patentable Over *Clark* and further in view of *Gross*

The Office Action indicates that claim 15 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Clark* in view of *Gross*. Applicants respectfully traverse this rejection for at least the reason that *Clark* in view of *Gross* fails to disclose, teach, or suggest all of the elements of claim 15. More specifically, claim 15 recites:

> A method of logging on a customer of an Internet Service provider (ISP) onto a mail server while preventing the unauthorized distribution of SPAM messages via the mail server, the method comprising:
>
> authenticating that the customer is a registered customer of the ISP;
>
> storing a data log in a database, the data log comprising a plurality of attributes to track the customer's usage of the network connection;
>
> receiving outgoing SMTP traffic from the customer for a recipient;
>
> in response to receiving the SMTP traffic, determining, at the mail server, the mail server being configured to receive and maintain at least one e-mail message, whether an IP address assigned to the customer is valid; and
>
> ***in response to determining that the IP address assigned to the customer is valid, sending the outgoing SMTP to the recipient. (emphasis added)***

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest all of the elements of claim 15, as amended. More specifically, the Office Action states "Clark fails to

teach a method that receives SMTP traffic from the customer... However Gross discloses a method wherein a determination as to a valid IP address associated with the customer occurs at an SMTP server which is part of the email server" (OA p. 3, fourth paragraph). *Gross*, however, states "[t]he sender's SMTP server contacts the DNS server at state 420, requesting a corresponding IP address, associated with the recipient's SMTP server for the recipient's email address" (p. 7, para [0071]). Applicants respectfully submit that for at least the reason that *Gross* fails to disclose, teach, or suggest a "method of preventing unsolicited e-mails from being transmitted via a mail server associated with the Internet Service Provider (ISP) of a customer, the method comprising... ***in response to determining that the IP address assigned to the customer is valid, forwarding the outgoing SMTP traffic to the recipient***" as recited in claim 15, as amended. Applicants additionally submit that *Clark* fails to overcome the deficiencies of *Gross*. For at least these reasons, claim 15, as amended, is allowable over the cited art.

D. Claims 2 – 8, 10 – 11, 13 – 14, 16 – 17, 19 – 23, and 25 – 27 are Patentable Over *Clark* and further in view of *Gross*

The Office Action indicates that claims 2 – 8, 10 – 11, 13 – 14, 16 – 17, 19 – 23, and 25 – 27 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Clark* in view of *Gross*. Applicants respectfully traverse this rejection for at least the reason that *Clark* in view of *Gross* fails to disclose, teach, or suggest all of the elements of claim 2 – 8, 10 – 11, 13 – 14, 16 – 17, 19 – 23, and 25 – 27. More specifically, dependent claims 2 – 8, and 19 – 20 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Further, dependent claims 10 – 11, 13 – 14, and 21 – 24 are believed to be allowable for at least the reason that they depend from allowable independent claim 15. Dependent claims 16 – 17 and

25 – 27 are believed to be allowable for at least the reason that they depend from allowable independent claim 15. *In re Fine*, *Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

E. Claims 12, 18, and 24 are Patentable Over *Clark et al.* in view of *Gross* and further in view of *Amin*

The Office Action indicates that claims 12, 18, and 24 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Clark* in view of *Gross* and further in view of U.S. Patent No. 6,854,014 ("*Amin*"). Applicants respectfully traverse this rejection for at least the reason that *Clark* in view of *Gross* and further in view of *Amin* fails to disclose, teach, or suggest all of the elements of claim 12, 18, and 24. More specifically, dependent claims 12 and 24 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 15. Further, dependent claim 18 is believed to be allowable for at least the reason that it depends from allowable independent claim 15. *In re Fine*, *Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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